

REMARKS

Claims 1, 3-11, 13-16 and 18-30 remain in this application. Claims 11, 13-16 and 18-25 are rejected. Claims 2, 12, and 17 are previously cancelled. Claims 1, 3-10 and 26-30 are allowed. Claims 11, 15, 16 and 20 are amended herein to clarify the invention.

ACKNOWLEDGMENT OF STATEMENT OF ALLOWABLE SUBJECT MATTER

Applicants acknowledge the Examiner's indication that claims 1, 3-10 and 26-30 are allowed and his statement of the allowable subject matter. It is stated that the claims are allowed for "having an operation unit for performing a technique according to a degree of difficulty in that is (sic) set in accordance with a series of command inputs input by the player throughout execution of the technique wherein the operation unit causes the mark changing unit to set the mark corresponding to the degree of difficulty in response to operations performed by the player within a predetermined period of time."

It is the applicants' understanding that the claims are allowed for two features recited by the claim language. The first feature is that the operation unit has a first operable member upon which the player inputs the series of command, or operation, inputs which are then used to control the play character throughout

execution of the technique. This is in contrast with the Hideki reference wherein a golf ball is struck and travels on its path without a series of player inputs controlling the ball along its path since the player's inputs merely control the initial striking of the ball as in the actual game of golf. For example, a player cannot control the path during travel while, in contrast, the command, or operation, inputs of the present invention affect the maneuvers of the play character during performance of the technique, i.e. transitions to maneuvers. The second feature is that the operation unit has a second operable member "operated by the game player, for causing said mark changing unit to set the size of said mark in response to operations of said second operable member performed by the game player within a predetermined time period" as recited in claim 1. This feature provides for the player operating a second operable member during a predetermined time period to effect setting of the size of the mark and thus the corresponding difficulty of the series of commands and the technique controlled by the series of commands.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 11, 13, 16, and 18 are rejected as obvious over Kazuhiro in view of Hideki under 35 U.S.C. §103(a). Claims 14, 15, and 19-25 are rejected as obvious over Kazuhiro in view of Hideki and further in view of *Nagano Winter*

Olympics '98 (hereinafter "Nagano") under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Each of claims 11, 15, 16 and 20 includes subject matter related to setting a size of a mark in accordance with a number of operations of a second operable member wherein the size of the mark increases with an increasing number of the total number of operations performed within a predetermined time period. The size of the mark also controls the difficulty of the technique to be performed. For example:

claim 11 recites:

wherein the step of progressively increasing the size of the mark includes the game player input being a number of operations of a second operable member by the game player and setting the size of said mark larger is in response to the number of operations of the second operable member by the game player within a predetermined time period to indicate the degree of difficulty is greater wherein the size of the mark is increased with increase in a total number of the number of operations;

claim 15 recites:

setting the size of said mark in response to operations of a second operable member by the game player within a predetermined time period wherein the size of the mark is increased with increase in a total of the number of operations;

claim 16 recites:

wherein the step of progressively increasing the size of the mark includes setting the size of said mark in response to the game player input being a number of operations of a second operable member by the game player within a predetermined time period wherein the size of the mark is increased with increase in a total of the number of operations;

and claim 20 recites:

wherein the step of changing the size of the mark includes setting the size of said mark in response to a number of operations of a second operable member by the game player within a predetermined time period wherein the size of the mark is increased with increase in a total number of the number of operations[.]

The above noted claim sections are believed to represent in varying degrees at least the subject matter indicated to be allowable, i.e., basing the degree of difficulty on operations performed on a second operable member within a predetermined time period.

The Kazuhiro reference is cited by the Examiner for teaching causing a mark to change size based on operations of a second operable member within a predetermined time. The Kazuhiro reference is deficient in providing the corresponding features of the claims in accordance with the following explanation.

The new reference, Kazuhiro, EP0917897, discloses a game apparatus allowing a selection of the techniques to be performed by the game character and displaying the series of commands to be input by the game player (see right hand side upper portion of Fig. 3: c.w, rotation > c.w. rotation > A > B as operation

sequence is shown). However, these operation commands (operation to be followed by the game player to make the character to perform the technique) are not set according to the number of operations of the controller by the game player before the initiation of the actual game. Those commands correspond to one of the techniques that were selected freely by the game player at the beginning of the game. See Fig. 3 of EP0917897 (Kazuhiro Reference). Thus, the technique is not based on the number of operations performed by the player but merely selection of one of the alternatives presented.

Once again, the series of commands displayed upper right portion of Kazuhiro do not correlate to the degree of difficulties being selected the number of the game player's operations on the operation unit. Instead, said series of commands displayed on the upper right portion are the predetermined commands with respect to a type of technique that was freely selectable by the game player.

The Hideki reference is also cited by the Examiner for setting a degree of difficulty wherein a mark sizes increases. The Examiner references the spacing of the golfer's feet as setting a degree of difficulty and the power meter progressively changing to indicate a degree of difficulty. However, the reference is lacking in several respects, the most prominent being setting a degree of difficulty based on a number of input operations performed within a predetermined time period. The reference is further lacking in teaching that the difficulty increases, i.e., the mark

size increases based on a total number of the input operations performed by the player within the predetermined time period.

The Examiner's attention is directed to col. 12, line 5 through col. 13, line 33 wherein the operations to be performed by the player to set the foot stance are described with reference to Figs.9, 10, 18A and 18B. First it is noted that the procedure is not performed within a predetermined time period. It is clear that the setting operation is not completed until the player operates the decision button 16b indicating his acceptance of the setting. Col. 13 lines 22-28. If the decision button is not activated the process returns from step 383 in Fig. 10 to step 373 in Fig 9 which again checks to see if an arrow key is depressed by the player to either increase or decrease to foot spacing. Thus, the setting of the foot spacing operation is not based on operations to be performed within a predetermined time period.

Furthermore the setting of the foot spacings is not based on a number of operations performed. As is clearly, the depression of the down key detected in step 375 effects a decrease of the spacing based on the equation in step 376 while depression of the up key detected in step 374 effects an increase of the spacing based on the equation in step 379. Thus, if either the up key or down key is held the spacing is contiguously adjusted. Further, the setting is not based on the total number of operations as the player could first increase the setting and then decrease

the setting with additional operations before activating the decision button to lock the setting. Thus, the number of operations is not indicative of the difficulty.

Furthermore, Hideki (EP0830881A2) discloses a change of a stance (width between feet) and that the change affects the time duration for striking a golf ball in such a manner that the wider the stance, the greater the power to strike the ball but the lesser the time duration for striking the ball. However, the golf swing is a one shot play. In other words, when setting the stance (width between feet), this action instantaneously gives a corresponding magnitude and time duration for striking a golf ball one time in the future. Thereafter when striking a golf ball, the game player needs to adjust the stance of the game character shown in the game screen. In fact, whether the wider stance is meant to be higher degree of difficulty of the performance of the event does not readily follow. This is because a first shot in any ball needs to be a relatively long shot and thus it is quite natural to set the wider stance for more impact power. This does not mean that the player chooses higher difficulty level for the game of golf. On the other hand, on a green for putting, no huge distance needs to be earned but more precision is demanded. In this situation, of course, a smaller stance is set by the game player. This too does not mean the player chooses a lower degree of difficulty for the golf game.

Based on the above, it is respectfully submitted that the suggestion for the combination proposed by the Examiner is not provided by the references. The

concept of a degree of difficulty in the manner recited in our claim does not correspond with the difficulty the Examiner believes is set forth in the Hideki reference. For example, difficulty of the golf game might be adjusted if there was a degree of difficulty setting button in Hideki that allows an adjustment of the degree of difficulty of shot by increasing a wind velocity or increasing a number of bunkers in the same golf course.

As is evident from above, the cited references fail to disclose all the features claimed, in particular, setting the mark size and difficulty based on a total number of operations of the second operable member. As detailed above, the Hideki reference cited by the Examiner for disclosing the difficulty setting feature fails to teach the claimed feature. The other references fail to provide the missing teaching. Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of the claims and their allowance are respectfully requested.

INTERVIEW REQUEST

Should the Examiner not consider the rejected claim allowable after having reviewed this response, it is respectfully requested that the Examiner contact the undersigned attorney, Herbert F. Ruschmann, to discuss the matter as it is believed

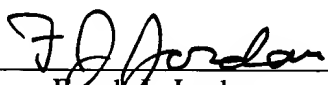
that such would be fruitful in arriving at claim language deemed allowable by the Examiner.

TIME EXTENSION REQUEST

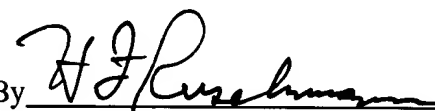
Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

by and,

By 
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340